

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Private Aided Junior Colleges – Hon'ble High Court – Implementation of the orders in W.P.M.P.No.10442 of 2006 and WVMP.No.1375 of 2006 in W.P.No.7304 of 2004 dated 05-10-2010 filed by Sri P.Venugopal Reddy, Physical Director, Sri Venugopala Swamy Junior College, Nellore for admission into Grant-in-Aid – Orders - Issued.

HIGHER EDUCATION (I.E.II) DEPARTMENT

G.O.Ms.No.25

Dated:20-04-2012

Read the following:-

- 1) From the High Court of A.P., Orders dated 27-4-2006 in W.P.M.P.No.10442 of 2006 in W.P.No.7304 of 2004.
- 2) From the High Court of A.P., Orders dated 05-10-2010 in W.P.M.P.No.10442 of 2006 and WVMP.No.1375 of 2006 in W.P.No.7304 of 2004.
- 3) From the High Court of A.P. orders dated 8-2-2010 in W.P.M.P.No.3384 of 2010 in W.P.No.2539 of 2010.
- 4) From Commissioner of Intermediate Education, A.P., Hyderabad Lr.Rc.No.Admn.I-B-2/5419/2002, dated 27-10-2011.
- 5) G.O.Ms.No.11 Higher Education (IE.II) Dept., dated 12-3-2012.

-X-X-X-

ORDER:

The Secretary & Correspondent Sri Venugopala Swamy Junior College of Arts & Science, Nellore in his letter dated 21-11-2002 has requested for permission to fill-up the vacant post of Physical Director of College. In Director of Intermediate Education Prods.Rc.No.Admn.1-5/5419/2002,d dated 20-12-2002; the management of the College was permitted to fill up the vacant post of Physical Director (Solitary post) by way of Direct Recruitment as per rules in force. The Regional Joint Director, Guntur was nominated as Government/ Commissioner of Intermediate Education's Nominee to be on the Selection Committee for the selection of Physical Director in the College. In G.O.Ms.No.377 Education (CE.III), dated 20-10-1994 Sri Venugopal Swamy Junior College of Arts & Science, Nellore was admitted to grant in aid w.e.f.01-04-1994 among other posts with one post of Physical Director.

2. The Regional Inspecting Officer, Ongole has submitted proposal on 14-5-2003 for approval of appointment in respect of Sri P.Venugopal Reddy as Physical Director in Sri Venugopala Swamy Junior College of Arts & Science, Nellore. The Secretary, Board of Intermediate Education after examining the eligibility and qualifications, vide Lr.Rc.No.2063/E4-1/2003-04, dated 23-3-2006, has approved the appointment of Sri P.Venugopal Reddy as Physical Director in aided vacancy in SVGS.Junior College, Nellore. But, Sri P.Venugopal Reddy, Physical Director was not admitted into Grant-in-Aid as he was appointed during the ban period, irregularly.

3. Sri P.Venugopal Reddy, Physical Director, Sri Venugopala Swamy Junior College, Nellore has filed W.P.No.7304 of 2004 to approve his appointment as Physical Director and also to release his salaries from May 2003 till date and the Hon'ble High Court passed interim orders dated 27-4-2006 in the reference 1st read above and "directed the 3rd respondent (i.e. Commissioner of Intermediate Education) to consider the case of the petitioner for release of Grant-in-Aid on the basis of the order of approval granted by the Secretary, Board of Intermediate Education, A.P., Hyderabad dated 23-3-2006 and in the light of the averments in the Counter Affidavit filed by the 3rd Respondent (Commissioner of Intermediate Education) himself in this W.P."

4. The Hon'ble High Court passed further orders dated 5-10-2010 in the reference 2nd cited stated that "Having suffered the order, respondent No.3 (Commissioner of Intermediate Education) filed the present vacate application supported by an additional counter affidavit. He did not even choose to seek the leave of this Court to file the said additional counter. Further, as his pleadings were taken into account, it is not open to respondent No.3 to once again

supplement the same by filing an additional counter and seek vacation of the order. The vacate application is accordingly dismissed making the interim order dated 27-4-2006 absolute".

5. In the reference 3rd cited Sri P.Venugopal Reddy, Physical Director, SVGS. Junior College, Nellore filed another W.P.No.2539 of 2010 against the Govt.Memo No.42351/IE.II-1/2004, dated 2-1-2010 in which Government instructed the Director of Intermediate Education to cancel all the (63) irregular appointments (including Sri P.Venugopal Reddy, Physical Director) made during ban period after issuing Show Cause Notice and to treat the said Physical Directors and Librarians as contract appointments since they were made in contravention of the orders issued by the Government. Accordingly, Director of Intermediate Education issued Show Cause notices to all the (63) of them vide Director of Intermediate Education Prods.No.Admn.I-B-2/1055/2002-1, dated 12-1-2010. The Hon'ble High Court has passed Interim orders dated 8-2-2010 in W.P.M.P.No.3384 of 2010 in W.P.No.2539 of 2010 and also in other WPs filed by (63) Physical Directors/Librarians as "Interim directions as prayed for". As per the above Interim orders, all the (63) Physical Directors and Librarians including Sri P.Venugopal Reddy, Physical Director, are continuing in the service.

6. The Commissioner of Intermediate Education, A.P., Hyderabad has requested the Government vide reference 4th read above, to consider the request of Sri P.Venugopal Reddy, Physical Director for admission into Grant-in-Aid on par with the 58 Physical Directors/Librarians (Out of 63, who were already regularized by the then Commissioner of Intermediate Education, A.P., Hyderabad) subject to outcome of final orders of Hon'ble High Court pending in respect of all the 63 cases to avoid further legal complications.

7. The matter has been re-examined and in supersession of G.O.Ms.No.11 Higher Education (IE.II) Department, dated 12-3-2012 Government hereby permit the Commissioner of Intermediate Education for admitting the services of Sri P.Venugopal Reddy, Physical Director, SVGS.Junior College, Nellore into Grant-in-Aid as he is eligible and qualified (though he was appointed during the ban period) on par with 58 Physical Directors/Librarians (Out of 63, who were already regularized by the then Commissioner of Intermediate Education, A.P., Hyderabad) subject to outcome of final orders in W.P.No.2539 of 2010 pending before the Hon'ble High Court. The individual is admitted into Grant-in-Aid with effect from 23-3-2006 i.e. date of approval of the appointment by the Secretary, Board of Intermediate Education.

8. The Commissioner of Intermediate Education, Hyderabad shall take further action accordingly.

9. This order issues with the concurrence of the Finance (Expr.HE) Dept., vide their U.O.No.11134/326/Expr.HE/2012, dated:20-4-2012.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M.G.GOPAL,
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Commissioner of Intermediate Education, A.P., Hyderabad, A.P., Hyderabad.

Copy to:

Sri P.Venugopal Reddy, Physical Director, SVGS.Junior College, Nellore through Commissioner of Intermediate Education, Hyderabad.

The Secretary & Correspondent, SVGS.Junior College, Nellore through Commissioner of Intermediate Education, A.P., Hyderabad.

The Director of Treasuries & Accounts, Hyderabad.

The District Treasury Officer, Nellore.

The Director of Local Fund Accounts, Hyderabad.

The Govt.Pleader for H.E.Dept., A.P.High Court, Hyderabad.

The Finance (Expr.HE) Dept.

SF/SC.

// Forwarded :: By Order //

SECTION OFFICER